October 13, 2021

Cosponsor the Kids PRIVCY Act following Facebook Whistleblower Exposé on Harm to Kids from Instagram and Online Platforms

Supporting Organizations:

American Academy of Pediatrics, National Center for Missing & Exploited Children, Amnesty International, Common Sense Media, Fairplay, Center for Digital Democracy, Parent Coalition for Student Privacy, Consumer Action, ParentsTogether Action, Dr. Ellen Wartella, Sheikh Hamad bin Khalifa Al-Thani Professor of Communication, Northwestern University, Accountable Tech, 5Rights Foundation, Parent's Television and Media Council, XR Safety Initiative, Children and Screens: Institute of Digital Media and Child Development, Serge Egelman Research Director of the Usable Security & Privacy Group at the International Computer Science Institute (ICSI), University of California, Berkeley, Electronic Privacy Information Center, Media Alliance, US PIRG, Consumer Federation of America, Woodrow Hartzog, Professor of Law and Computer Science, Northeastern University School of Law, Khoury College of Computer Sciences Center for Law, Innovation and Creativity, Oakland Privacy, Public Citizen, Network for Public Education, Brandie M. Nonnecke, PhD, Stop Predatory Gambling, SumOfUs and the National Center on Sexual Exploitation.

Dear Colleague:

I write to urge you to become a cosponsor of H.R. 4801, the [Protecting the Information of our Vulnerable Children and Youth Act](#) or the Kids PRIVCY Act to update the Children's Online Privacy Protection Act (COPPA) and keep big business from harming and profiting off our kids.

H.R. 4801 builds on COPPA's strengths and expands privacy protections for children and teenagers by incorporating key elements of the [UK's Age-Appropriate Design Code](#). These elements include expansion of COPPA coverage to sites likely to be accessed by children and teenagers, requiring a Privacy and Security Impact Assessment, and mandates operators make the best interests of children and teenagers a primary design consideration.

The Kids PRIVCY Act will create a protected class of "Teenagers" ages 13-17, ban companies from providing targeted advertisements to children and teenagers and require opt-in consent for all individuals under 18. These updates are necessary because technology, tracking and data gathering have outpaced privacy protections. Companies are taking advantage of gaps in the law to collect enormous amounts of data on our children and profit off their personal information.

H.R. 4801 provides families the necessary tools to protect their children. It will strengthen enforcement so that companies are held to account for improperly collecting our children's data and for the misuse of that data. Moreover, the bill closes loopholes in current law that have allowed companies to track and sell our children's most sensitive information to the highest bidder without consent or consequences, all to boost their bottom line.

The Kids PRIVCY ACT specifically strengthens privacy protections for children and teenagers by:

- **Banning Companies from Providing Targeted Advertisements to Children and Teenagers:** Prohibits companies from targeting children and teenagers based on their personal information and behavior.
- **Best Interests of Children and Teenagers**: Requires an operator to make the best interests of children and teenagers a primary design consideration when designing its service.
- **Requiring Opt-In Consent for all Individuals Under 18:** Companies must obtain specific, informed, and unambiguous opt-in consent before collecting, retaining, selling, sharing, or using a young consumer or child's personal information.
- **Creating a Right to Access, Correct, and Delete Personal Information:** Companies must provide individuals the opportunity to access, correct, or delete their personal information at any time.
- **Protecting Additional Types of Information:** Expands the type of information explicitly covered to include physical characteristics, biometric information, health information, education information, contents of messages and calls, browsing and search history, geolocation information, and latent audio or visual recordings.
- **Requiring User-Friendly Privacy Policies:** Companies must make publicly available privacy policies that are clear, easily understood, and written in plain and concise language.
- **Creating a Protected Class of "Teenagers" Ages 13-17:** For the first time in statute, the bill provides protection for teenagers 13-17, allowing them to control who collects their personal information and what companies can do with it.
- **Expands Coverage of Companies:** Applies to all sites likely to be accessed by children and teens, not just child-directed services.
- **Limiting Disclosure to Third Parties:** The bill prohibits companies from sharing personal information without consent. Furthermore, it creates additional duties companies must comply with before disclosing any personal information with third parties.
- **Requiring Reasonable Data Security Policies, Practices, and Procedures:** Requires companies to have a written security policy, point of contact for information security management and processes to identify, assess, and mitigate vulnerabilities.
- **Prohibiting Industry Self-Regulation**: Repeals dangerous safe harbor provision that allow for lax enforcement and rubberstamping of potentially unlawful practices.
- **Strengthening FTC Enforcement:** Raises the maximum allowable civil penalty per violation by 50 percent and establishes a Youth Privacy and Marketing Division at the FTC.
- **Providing for Parental Enforcement:** Parents will be able to bring civil actions to help enforce the bill and any resulting regulations.
- **Banning Forced Arbitration:** In a much-needed reversal of current law, companies will no longer be able force their consumers to waive their right to sue.

To cosponsor this legislation or if you have any questions, please contact Jake Barr with Rep. Kathy Castor's office at 5-3376 (Jake.Barr@mail.house.gov).

Sincerely,

Kathy Castor

Kathy Castor
Member of Congress